19-0072Z3

TITLE: Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District, "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, to Allow for Multi-Family Residential and Commercial Uses and to Modify the Development Standards, Located 600 Feet South of Stonebridge Drive and on the East Side of Custer Road.

COUNCIL GOAL: Direction for Strategic and Economic Growth
(1C: Provide a strong city economy by facilitating a balance between industrial, commercial, residential and open space)

MEETING DATE: January 28, 2020

DEPARTMENT: Development Services - Planning Department

CONTACT: David Soto, Planner I
Jennifer Arnold, AICP, Director of Planning

APPROVAL PROCESS: The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the February 4, 2020 meeting.

STAFF RECOMMENDATION: Staff recommends denial of the proposed rezoning request due to lack of conformance with the Comprehensive Plan and concerns about future development impacts to the remainder of the tract.

However, if the applicant's request is approved, the following special ordinance provisions shall apply:

1. The subject property shall be zoned "PD" - Planned Development District and shall be subject to the following special ordinance provision:

    a. The subject property shall develop in accordance with the attached development regulations.

APPLICATION SUBMITTAL DATE: July 18, 2019 (Original Application)

September 16, 2019 (Revised Submittal)
December 9, 2019 (Revised Submittal)
December 30, 2019 (Revised Submittal)

ITEM SUMMARY: The applicant is requesting to rezone approximately 29.507 acres of land, generally to allow for commercial and multi-family residential uses.

On October 22, 2019 the Planning and Zoning Commission voted 7-0-0 to close the public hearing and table the item indefinitely.

On November 12, 2019 the Planning and Zoning Commission voted 7-0-0 to close the public hearing and table the item indefinitely.

EXISTING ZONING:

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"AG" - Agricultural District and "PD" - Planned Development District Ordinance No. 2010-10-040 (Mixed Uses)	Storybook Ranch and Undeveloped Land
North	"PD" - Planned Development District Ordinance No. 2003-02-015 (Mixed Uses) and "SO" - Suburban Office District (Offices Uses)	First Guaranty Bank and Medical Offices
South	"PD" - Planned Development District Ordinance No. 2010-10-040 (Mixed Uses)	Undeveloped Land
East	PD" - Planned Development District Ordinance No. 2004-07-075 (Single Family Residential Uses)	Craig Ranch North Phase II
West	City of Frisco	City of Frisco

PROPOSED ZONING: The applicant is requesting to rezone the subject property to "PD" - Planned Development District to allow commercial and multi-family residential uses. The applicant has provided a zoning exhibit which divides the property into two districts, Tract A ("C2" - Local Commercial District), and Tract B ("MF-3" - Medium-High Density District), and also includes the following modifications:

<u>Space Limits for Tract B</u>

- **Height:** Currently, the maximum height allowed in "MF-3" - Medium- High Multiple Family Residential District is two stories and shall not exceed 35' in height. However, the applicant has requested an increased height to four stories and shall not exceed 55' in height. The applicant has also provided a two story

height limit to not exceed 35’ in height within 250 feet of the rear property line adjacent to single family residential lots. Although Staff is not supportive of multi-family uses in this location, we have no objections to this request.

- **Density:** The applicant has requested that the overall density of Tract B not exceed 22 units per gross acre. MF-3 currently allows 20 units per gross acre, and the proposed density is similar to what is allowed to under MF-3. Although Staff is not supportive of multi-family uses in this location, we have no objections to this request.

- **Screening Requirements**: Typically, multi-family residential developments are required to maintain a six-foot masonry wall along all side and rear property lines. However, the applicant has requested an alternative screening device of tubular steel or ornamental iron fence (no masonry columns) and evergreen landscaping along the north, south and east sides of Tract B. With the presence of the floodplain on the east and south of the subject property and the planned development for additional multi-family uses to the south, Staff feels that the alternative screening device should not be a hindrance and; therefore, has no objections to the request. However, we do have concern with the proposed alternative screening device along the north side of the subject property, due to its adjacency to an active commercial development and lack of providing masonry columns.

- **Parking:** While the current ratio for multi-family uses is one parking space for each dwelling unit plus half of a space for each bedroom in all dwelling units, the applicant has requested a modified parking ratio that provides 1 space per bedroom with an additional 0.20 parking space per unit. In looking at similar developments that have used a similar or even lesser ratio, Staff found that the reduced ratio did not create issues with parking for the developments. Although Staff is not supportive of multi-family uses in this location, we have no objections to this request.

- **Landscaping:** Typically, multi-family residential developments are required to provide one canopy tree for each 30 linear feet along all property lines. The applicant has requested a modified landscaping requirement along the east side of the subject property to include 1 canopy for each 40 linear feet. Given the existing floodplain and substantial amount of existing trees, Staff feels comfortable with this reduction and has no objections to the request.

With “PD” - Planned Development District requests, projects must provide a feature(s) to ensure exceptional quality or demonstrate innovation. To that end, the applicant has also proposed general improvements to the City Hike and Bike Trail in order to enhance the proposal. These improvements include wayfinding signage, bike racks, benches, pet stations, and pedestrian lighting.

While Staff appreciates the applicant’s proposal and enhancements for the site, there

are remaining concerns about the request. In particular, the multi-family use does not align with the placetype of Professional Campus as designated by the Comprehensive Plan, which calls for office and employment uses that keep residents within the City. While uses not in strict conformance with the Comprehensive Plan may be appropriate in some locations, Staff has concerns about the applicant's proposal to introduce multi-family uses on a property that fronts onto Custer Road, which is a Principal Arterial on the City's Master Thoroughfare Plan. In the stretch of Custer Road from just north of SH 121 (Sam Rayburn Tollway) to Stonebridge Drive, there are already numerous residential developments located either directly along the Principal Arterial or within 300 feet of the roadway. With this in mind, introducing multi-family on the subject property would lessen the city's opportunity to achieve non-residential development along Custer Road and would add to the already large base of residential developments.

The northern portion of the Subject Property is currently zoned AG - Agricultural District. Should the proposed rezoning to PD - Planned Development District be approved, a remainder of the existing tract (approximately 9 acres), which is not a part of this rezoning request, will retain the AG - Agricultural District zoning designation. This may result in potential conflicts at the time of platting due to the minimum 10 acre lot size requirement for the AG - Agricultural District.

Given these factors, Staff is unable to support the rezoning request.

CONFORMANCE TO ONE MCKINNEY 2040: A key aspect of the ONE McKinney 2040 Comprehensive Plan is to provide direction related to desired development patterns and to inform decisions related to the timing and phasing for future infrastructure investments in the City. To assist in guiding these decisions, the Preferred Scenario and Land Use Diagrams establish distinctive districts, each with a clear intent, market focus, and development patterns that are reinforced through character-defining placetypes. Per the Preferred Scenario, the subject property is located in the Established Community District and is designated as the professional campus placetype. General placetypes included in this district are Suburban Living, Professional Campus, Employment Mix, Commercial Center, Mixed-Use Center, Manufacturing and Warehousing, and Aviation.

- Guiding Principles: The proposed rezoning request is generally in conformance with the Guiding Principle of "Diversity (Supporting our Economy and People)" established by the Comprehensive Plan. In particular, the proposed request has the potential to provide "private development, public investments, and community engagement support the people of McKinney by making available housing options and neighborhood choices that are accessible, attainable, and appealing to people at all stages of their lives.

- Land Use Diagram Compatibility: In evaluating development requests, the City should determine that a project meets the majority of the established criteria to be considered compatible with the Land Use Diagram. The subject property is designated as Professional Campus.

The proposed rezoning request does not align with the Professional Campus placetype designation of the Established Community District. The intent of the Professional Campus placetype is to generally provide office jobs and keep people in the city during normal work hours; based on the concerns cited about and the proposal for multi-family uses, the proposed request is not compatible with the Professional Campus placetype.

- Fiscal Model Analysis: The attached fiscal analysis shows a positive fiscal benefit for the subject property. Some key takeaways include:

    1. The proposed rezoning is anticipated to generate approximately $241,000 in revenues, compared to the anticipated fiscal benefit of approximately $1.5 million if the professional campus placetype designation is successfully realized.

    2. Based on the market analysis, the proposed zoning is anticipated to capture 1.7% of the residential market share for McKinney and 1.6% of the retail market share. However, the introduction of residential uses on the property will likely result in a reduced opportunity for the city to capture its anticipated non-residential, office market, which could have otherwise been achieved in this location (anticipated capture of 14.7%) if the professional campus placetype designation was successfully realized.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received 13 letters of opposition regarding this request.

It should also be noted that, in early November, staff received a qualifying written protest for the proposed rezoning, which would require a super majority vote by City Council for approval. However, since that time, the applicant has modified the request to include, among other things, a reduced footprint in the area to be considered for the rezoning. As a result, Staff has re-evaluated the written protest based on the reduced footprint and, at this time, the submitted written protest no longer includes signatures from owners representing 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. Therefore, a supermajority vote (6/7) by City Council is not currently required for approval of the request.

SUPPORTING MATERIALS:

PZ Minutes 10.22.19
PZ Minutes 11.12.19
Location Map and Aerial Exhibit
Letter of Intent

Letters of Opposition
Zoning Protest Map
Comprehensive Plan Maps
Established Community District
Placetype Definitions
Fiscal Analysis
Land Use Comparison Table
Ex. PD Ord. No. 2010-10-040
Proposed Zoning Exhibit
Proposed Metes and Bound
Proposed Development Regulations
Presentation